

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK G. MCCLANAHAN

Appeal No. 2006-1830
Application No. 09/640,839

ON BRIEF

MAILED

JUL 20 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before HAIRSTON, JERRY SMITH, and MACDONALD Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 81.

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The disclosed invention relates to a method and system for bypassing an initial sign-on screen of an underlying operating system via the use of an application framework that logs on a user in the underlying operating system.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of bypassing an initial sign-on screen of an underlying operating system with a single sign-on capability comprising the steps of:

providing an application framework, wherein said application framework logs on a user with a first level of access in said underlying operating system;

generating an application framework sign-on screen;

entering a logon input on said generated application framework sign-on screen; and

comparing said logon input with an application framework security database to determine level of access.

The reference relied on by the examiner is:

He 5,944,824 Aug. 31, 1999

Claims 9, 14, 21, 27, 36, 41, 48, 54, 63, 68, 75 and 81 stand rejected under the second paragraph of 35 U.S.C. § 112 for indefiniteness.

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Claims 1 through 8, 10 through 13, 15 through 20, 22 through 26, 28 through 35, 37 through 40, 42 through 47, 49 through 53, 55 through 62, 64 through 67, 69 through 74 and 76 through 80 stand rejected under 35 U.S.C. § 102(e) as being anticipated by He.

Reference is made to the final rejection, the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the indefiniteness rejection of claims 9, 14, 21, 27, 36, 41, 48, 54, 63, 68, 75 and 81, and reverse the anticipation rejection of claims 1 through 8, 10 through 13, 15 through 20, 22 through 26, 28 through 35, 37 through 40, 42 through 47, 49 through 53, 55 through 62, 64 through 67, 69 through 74 and 76 through 80.

Turning first as we must to the indefiniteness rejection, the examiner states "[c]laims 9, 14, 21, 27, 36, 41, 48, 54, 63, 68, 75, 81 recite the limitation 'logging off said user with first level of access, wherein said underlying operating system logs on said user with said second level of access' which renders the claim indefinite because it is unclear which level of access

the user possesses" (final rejection, page 6). The appellant directs our attention to page 10, lines 18 through 30, page 12, lines 7 through 23, and page 14, lines 11 through 26 of the specification for support for the claimed subject matter set forth in claim 9 (brief, page 5). After submission of the brief, the examiner found claim 9 indefinite because it depends from claim 8 and "[t]here is no claim limitation requiring logging on or logging off in claim 8" (answer, page 6). In response, appellant again directs our attention to the noted sections of the specification, and argues (reply brief, pages 2 and 3):

Further, claim 9 does not become indefinite because of the language in claim 8, from which claim 9 depends from. Claim 8 recites that a switch user program switches the user to a second level of access by modifying an underlying operating system's registry. Claim 9 further defines this limitation by having the switch user program log off the user with a first level of access and then having the underlying operating system log on the user with the second level of access. As recited on page 10, lines 27-30 of the Specification, "once the registry is modified to log on the user with a different level of access" (as recited in claim 8), "the switch user program logs off the user and the underlying operating system logs on the user with the new level of access" (as recited in claim 9). There is nothing contradictory with having claim 9 depend from claim 8. Claim 9 is not indefinite for being dependent from claim 8.

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We agree with appellant's arguments. Claims 8 and 9 set out and circumscribe a particular area with a reasonable degree of precision and particularity when read by the artisan in light of the disclosure noted by the appellant. See In re Moore, 439 F.2d 1232, 1046-47, 169 USPQ 236, 238 (CCPA 1971). Thus, the indefiniteness rejection of claims 9, 14, 21, 27, 36, 41, 48, 54, 63, 68, 75 and 81 is reversed.

Turning to the anticipation rejection, we note that a claim is anticipated under 35 U.S.C. § 102 "if each and every limitation is found either expressly or inherently in a single prior art reference." Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001). He describes a network security mechanism for Network Elements (NEs), and provides a single sign-on that "allows a user to log-on only once at a user station and a Security Server ("SS"), in turn, will automatically log the user on to all the NEs that the user is authorized to access" (column 2, lines 25 through 36). Appellant argues inter alia (brief, page 8) "the Examiner has provided no evidence that the teaching of permitting a single sign-on of users to network elements necessarily teaches providing an application framework, where the application framework logs on a user with a first level of access

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in the underlying operating system." According to the examiner (answer, pages 6 and 7), the network element described by He and the claimed application framework are the same since the security mechanism in He is performed by computer software, and appellant's "specification defines an application framework as controlling what applications are accessible to the particular user." In response, appellant argues (reply brief, pages 3 through 7) that the examiner has not met the initial burden of satisfactorily explaining by way of facts and/or technical reasoning how the single sign-on to network elements in He is the same as the claimed single sign-on to an operating system via the use of an application framework.

We agree with appellant's arguments that the examiner has not met the initial burden of satisfactorily explaining how a single sign-on to network elements is the same as the claimed single sign-on to an operating system via the use of an application framework. The examiner's explanation is not supported by any evidence in the record, and does not establish a

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prima facie case of anticipation. In summary, the anticipation rejection of claims 1 through 8, 10 through 13, 15 through 20, 22 through 26, 28 through 35, 37 through 40, 42 through 47, 49 through 53, 55 through 62, 64 through 67, 69 through 74 and 76 through 80 is reversed.

DECISION

The decision of the examiner rejecting claims 9, 14, 21, 27, 36, 41, 48, 54, 63, 68, 75 and 81 under the second paragraph of 35 U.S.C. § 112 is reversed, and the decision of the examiner rejecting claims 1 through 8, 10 through 13, 15 through 20, 22 through 26, 28 through 35, 37 through 40, 42 through 47, 49 through 53, 55 through 62, 64 through 67, 69 through 74 and 76 through 80 under 35 U.S.C. § 102(e) is reversed.

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REVERSED



KENNETH W. HAIRSTON

Administrative Patent Judge)
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JERRY SMITH

Administrative Patent Judge)
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ALLEN R. MACDONALD

Administrative Patent Judge)
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